

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JAMES EARL JONES,)	
a.k.a. WAZIR SHABAZZ,)	Civil Case No. 7:14cv00603
Petitioner,)	
)	<u>MEMORANDUM OPINION</u>
v.)	
)	By: Norman K. Moon
COMMONWEALTH OF VIRGINIA,)	United States District Judge
Respondent.)	

James Earl Jones, a Virginia inmate proceeding *pro se*, filed a “notice of appeal” which was docketed as a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254. However, Jones alleges no cognizable ground upon which he believes he is entitled to habeas relief; indeed, he simply states, “Comes Now James E. Jones with his notice of appeal from final order of the Supreme Court of Virginia on the 24th day of October 2014 wherein the Court refused Petitioner's petition for appeal.” Pursuant to Rule 4 of the Rules Governing Section 2254 Proceedings, the court must dismiss a petition “if it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief” Because Jones alleges no cognizable habeas claim, I conclude that it plainly appears that he is not entitled to habeas relief. Accordingly, I will dismiss this action without prejudice to Jones’s opportunity to refile his petition and allege grounds for relief.¹

Further, to the extent his pleading can be construed as a motion for an extension of time to file a § 2254 petition, I lack jurisdiction to entertain Jones’s request. *United States v. White*,

¹ The Clerk is DIRECTED to forward to Jones the form for filing a petition under § 2254. Any § 2254 petition that Jones files must conform to the rules governing such motions. *See* Rules Governing § 2254 Proceedings for the U.S. District Courts, Rule 2. I note that if Jones wishes to refile his petition, it is subject to the statute of limitations set forth in 28 U.S.C. § 2244(d)(1)(A)-(D).

257 F. App'x 608 (4th Cir. 2007) (citing *United States v. Leon*, 203 F.3d 162, 163-64 (2d Cir. 2000)); *Ramirez v. United States*, 461 F. Supp. 2d 439 (E.D. Va. 2006).

ENTER: This 10th day of April, 2015.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE